

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)**

JAIME A. CHOTO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. <u>1:08cv1322JCC/TCB</u>
)	
AMERICA'S SERVICING COMPANY,)	
ET AL.,)	
)	
Defendants.)	
)	

**JAMES A. CHOTO'S MOTION TO DISMISS
WITHOUT PREJUDICE PURSUANT TO RULE 41(a)(1)**

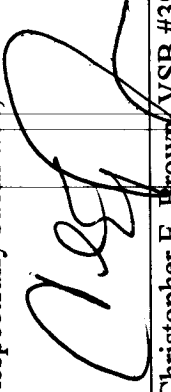
Jaime A. Choto, Plaintiff, by counsel, respectfully requests this Court to dismiss this action without prejudice to any party under Rule 41(a)(1) for the following:

1. Defendant Wells Fargo Bank, N. A. d/b/a America's Servicing Company ("Wells Fargo") removed this action from the Circuit Court of Prince William County, Virginia, to this Court on or about December 22, 2008.
2. Neither Wells Fargo nor Defendant Samuel I. White, P. C. ("White") has filed an Answer or a Motion for Summary Judgment.
3. The Plaintiff has not previously dismissed an action upon the merits presented in this civil action either in any federal or state court.

For the foregoing reasons, the Plaintiff requests that this action be dismissed without prejudice under Rule 41(a)(1).

Dated: January 12, 2009

Respectfully submitted,



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Counsel for Jaime A. Choto

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **JAIME A. CHOTO'S MOTION TO DISMISS WITHOUT PREJUDICE PURSUANT TO RULE 41(a)(1)** was served by the ECF system, upon:

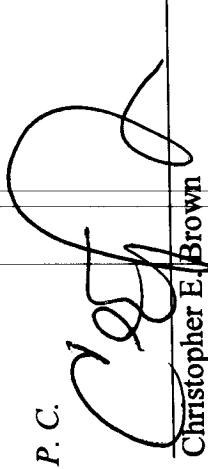
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Counsel for Wells Fargo Bank, N. A.

And by regular mail upon:

Donna Hall
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Virginia Beach, VA 23462

Counsel for Samuel I. White, P. C.



Christopher E. Brown